

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24048 of 2018

Arising Out of PS.Case No. -610 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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Rakesh Ishwar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary
Mr. Bhola Kumar
Mr. Akshansh Ankit

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-05-2018

The petitioner seeks cancellation of anticipatory bail of O.P. No. 2 which was granted to him by the learned District & Sessions Judge, Bhagalpur in connection with Nathnagar P.S. Case No. 610/2017, instituted for the offences under Sections 467, 468, 470, 471 and 420 of the Indian Penal Code, in A.B.P. No. 1879/2017.

The allegation against the O.P. No. 2 is of having obtained two certificates with two different date of birth. The date of birth of O.P. No. 2 in the certificate issued by the Bihar School Examination Board is 05.07.1957 whereas the date of birth in the certificate given by Madhyama Examination, 1968 is 28.06.1951.

It was argued before the court below that O.P. No. 2 had retired from service and that he had never used the certificate issued by the Bihar School Examination Board for obtaining



appointment of a teacher in the School of which the informant/petitioner is the headmaster. That apart, it was submitted by O.P. No. 2 before the court below that the difference in the age was only of few days and no motive could have been attributed to him. The two different dates given in two different certificates of educational institutions would not have given him any longer tenure in service. The court below also was swayed by the fact that an application was made by the O.P. No. 2 for correction in the date of birth in Bihar School Examination Board certificate. Considering the aforesaid facts as also taking into account that no departmental proceeding was initiated against O.P. No. 2 and that he did not have any criminal antecedent, anticipatory bail was granted to him.

This Court finds no perversity or illegality in the order granting anticipatory bail. Grant of bail is one thing whereas cancellation of the same is other. This Court does not find that the court below has exercised its discretion in an arbitrary manner.

Accordingly, the present petition is dismissed.

(Ashutosh Kumar, J.)

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